

HOUSE BILL 3986  
By McMillan

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 16, Part 4 and Title 41, Chapter 21, Part 2, relative to the offense of sexual contact with prisoners or inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-21-241, is amended by deleting the section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by adding the following as a new appropriately designated section:

- (a) It is an offense for a law enforcement officer, correctional employee or volunteer to engage in sexual contact or sexual penetration, as such terms are defined in §39-13-501, with a prisoner or inmate who is in custody at a penal institution as defined in §39-16-601.
- (b) For purposes of this section, the term “volunteer” means any person who, after fulfilling the appropriate policy requirements, is assigned to a volunteer job and provides a service without pay from the correctional agency except for compensation for those expenses incurred directly as a result of such volunteer service.
- (c) For purposes of this section, the terms “law enforcement officer” and “correctional employee” include a person working in such capacity as a private contractor or employee of a private contractor.
- (d) A violation of this section is a Class E felony.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.